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MAY 18 1999

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Palacios, Bay City, El Campo
and Matagorda, Texas)

Docket No. 99-13

RM-9428

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY TO OPPOSITION TO MOTION TO STRIKE

Prawn Broadcasting Company ("Prawn Broadcasting"), by counsel,
pursuant to 47 CFR §1.45(b), hereby respectfully submits its *Reply to Opposition*
to Motion to Strike in response to the *Opposition to Motion to Strike* filed on May
11, 1999 by Sandlin Broadcasting Co., Inc. ("Sandlin"). In support thereof, the
following is stated:

I. ARGUMENT

**A. Sandlin's Solicitation of the Community Letters Violated the
Commission's Ex Parte Rules**

1. On April 26, 1999, Prawn Broadcasting filed a Motion to Strike
seeking:

- 1) to strike all materials in the record that resulted
from Sandlin's solicitation of *ex parte* contacts;
- 2) sanctions against Sandlin as licensee of
KMKS(FM), Bay City, Texas, for its flagrant
violation of the Commission's *ex parte* rules.

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2. In its Opposition, Sandlin tries to whitewash its unlawful solicitation of *ex parte* contacts. Nevertheless, Sandlin essentially concedes all of the facts that comprise the elements of unlawful *ex parte* solicitation.

- 1) Sandlin concedes that it wrote a draft letter that was circulated for the purpose of influencing the Commission (Opposition, p. 2);
- 2) Sandlin concedes that as a direct result of this conduct, letters were filed with the Commission without any service on opposing counsel (Opposition, *Id.*);
- 3) Sandlin concedes that letters sent directly to the Commission may be “deemed to be impermissible *ex parte* documents” to be removed from the record (Opposition, p. 3).

As noted in the Motion to Strike, these facts give rise to a substantial forfeiture liability. Elkhart Telephone Company, 11 FCC Rcd 1165 (1995). Sandlin declined to distinguish or otherwise comment on this or any of the other cases cited in the Motion to Strike.¹

3. While Sandlin claims that it is unfortunate that these letters were filed directly with the Commission, Sandlin does not deny that the draft letters contained the address of the Commission and the docket number of the case. Having created a draft letter with the address of the Commission and docket number on its face, Sandlin assumed the risk that these individuals would file copies of this letter with the Commission. Sandlin did not advise any of these individuals or entities that service on opposing counsel is required by the Commission’s rules. In fact, Sandlin has still not produced the original draft letter

¹ That did not, however, stop Sandlin from stooping to reargue the merits of the irrelevant positions taken in its reply comments. See Opposition, pp. 3-4.

for the Commission or opposing counsel. However, since the letter was created for the sole purpose of influencing the Commission, Prawn Broadcasting submits that Sandlin was required to serve the draft letter on opposing counsel.

4. Our administrative system is based on fairness and a commitment to the principal that no party, no matter how powerful, should be able to unduly influence the Commission's decision making processes. Sandlin's secretive letter writing campaign was targeted at just such influence. Therefore, in view of the above, Sandlin has violated the Commission's *ex parte* rules and is liable for a substantial forfeiture. Quest for Life, Inc., 10 FCC 2d 220 (Rev. Bd. 1967); Seaford Television Co., 46 RR 2d 1444 (Adm. L. J., 1980); Rainbow Broadcasting Company, 9 FCC Rcd 2839 (1994).

B. Sandlin Has Unlawfully Attempted to Influence Members of the United States Congress

5. On May 7, 1999, the Commission, through its Assistant General Counsel, issued letters to: 1) the Honorable Ron Paul, 2) the Honorable Gene Green, and 3) the Honorable Phil Gramm (hereinafter the "*Ex Parte* Materials", attached hereto as Exhibit 1). These letters evidence Sandlin's misguided and unlawful attempt to solicit *ex parte* contacts from these lawmakers. The *Ex Parte* Materials also document Sandlin's bold attempt to withhold information and commit misrepresentation before the Commission.

6. In a signed memorandum dated March 31, 1999, from Sandlin principal Margaret Sandlin to Congressman Ron Paul (hereinafter the "Sandlin Memorandum", attached hereto as Exhibit 2), Sandlin specifically asked

Congressman Paul to try to influence the merits of the instant proceeding. In the Sandlin Memorandum, Ms. Sandlin writes:

There is a Petition before the Federal Communications Commission to move channel 273 from Bay City to El Campo. **Please write a letter to the Commission and ask them to reject the Comments and Counter proposal of Prawn Broadcasting Company** filed on March 22, 1999, MM Docket No. 99-13 **as this is not in the public interest.**

Exhibit 2 (bold supplied, underscore in the original). The conduct represented by the Sandlin Memorandum is unlawful and cannot be condoned within the framework of any system dedicated to administrative fairness.

7. As if that conduct were not outrageous enough, Sandlin has chosen to lie about it. In its Opposition, Sandlin makes the following statement:

Sanctions are clearly not appropriate in this case.
Sandlin did not attempt to obtain *ex parte* letters.

Opposition, p. 3 (attached hereto as Exhibit 3, emphasis supplied). In making this statement, Sandlin was expressly trying to avoid monetary sanctions. Thus, we have a clearly established falsehood coupled with an unmistakable motive to deceive.

8. Prior to the Sandlin Memorandum, on March 29, 1999, Ms. Sandlin wrote to Diane Gilbert, a case worker for Congressman Paul, promising to send various documents as well as "the overview I have prepared" (memo attached hereto as Exhibit 4). Again, this is an attempt to have Congressman Paul influence the Commission, and the case worker did, in fact, submit the material to the Commission on an *ex parte* basis.

9. These direct solicitations are completely contrary to Sandlin's statement in the Opposition that it did not attempt to obtain *ex parte* letters. Ms. Sandlin directly asked Congressman Paul to "write a letter" seeking to "reject" Prawn Broadcasting's proposal as being "not in the public interest."

10. Misrepresentation involves false statements of fact made with an intent to deceive the Commission. Fox River Broadcasting, Inc., 93 FCC 2d 127, 129 (1983). The duty of candor requires parties to be fully forthcoming as to all facts and information that may be decisionally significant within a Commission proceeding. Swan Creek Communications v. FCC, 39 F.3d 1217, 1222 (D.C. Cir. 1994). The Commission views misrepresentation and lack of candor in a licensee's dealings with the Commission as serious breaches of trust. Policy Regarding Character Qualifications in Broadcast Licensing, 102 FCC 2d 1179, 1211 (1986).

11. In the present case, Sandlin's statement that it did not attempt to obtain *ex parte* letters is directly contradicted by the solicitation contained in the Sandlin memorandum. The Commission defines misrepresentation as "an intentional misrepresentation of fact intended to deceive." Silver Star Communications-Albany, Inc., 3 FCC Rcd 6342, 6349 (Rev. Bd. 1988). Here, the intent to deceive is evident in Sandlin's expressed motive to avoid a monetary forfeiture. It is well settled that intent may be inferred from motive. Joseph Bahr, 10 FCC Rcd 32, 33 (Rev. Bd. 1994). Therefore, Sandlin is chargeable with misrepresentation.

12. Lack of candor exists when a party breaches its duty "to be fully forthcoming as to all facts and information relevant to a matter before the Commission, whether or not such information is particularly elicited." *Id*; Fox River Broadcasting, Inc., 93 FCC 2d 127, 129 (1983). In the instant case, Prawn Broadcasting put Sandlin's *ex parte* conduct at issue in its Motion to Strike. Once that conduct had been put in issue, it was Sandlin's duty to be forthcoming as to all of its *ex parte* conduct, including the solicitation of three members of the United States Congress. Sandlin's failure to be forthcoming and its subsequent dissembling about the solicitations demonstrates a lack of candor that cannot be tolerated in a Commission licensee.²

C. Sandlin Conduct Gives Rise to Substantial Sanctions

13. Sandlin argues that only the letters that were sent to the Commission without being included in Sandlin's Comments and Counterproposal should be stricken.³ However, that would hardly make up for Sandlin's blatantly unlawful conduct. When Sandlin sent its draft letter out into the community with the address of the Commission and docket number of the case, it took the risk that these letters would simply be signed and sent to the Commission. Sandlin should not be rewarded for its action by allowing these illegally obtained documents to become part of the instant record merely because some of these documents were turned over to Sandlin for inclusion in its pleading.

² It is disturbing that in 1991, Sandlin apparently pledged to apply for and construct a higher class facility on Channel 273C1. Bay City, Texas, 6 FCC Rcd 5005 (1991). In 1995 that permit was cancelled for unknown reasons because Sandlin was unable to construct the facility. See Cancellation Letter, attached hereto as Exhibit 5.

³ See Opposition, pp. 1-2.

14. Additionally, as is evident from the Ex Parte Materials, Sandlin sent these very same letters *en masse* to Congressman Paul. The Commission's Assistant General Counsel has ruled that these documents cannot be inserted into the record because of their *ex parte* nature in connection with Congressman Paul. To allow Sandlin to benefit from these documents elsewhere would only serve to reward Sandlin for its unlawful tactics.

15. The solicitation of *ex parte* contacts on the part of a Commission licensee is punishable by a substantial monetary forfeiture. There are no significant grounds to distinguish the conduct witnessed here from that of Elkhart Telephone Company. If anything, the conduct here is more egregious in light of Sandlin's ensuing misrepresentation and lack of candor.⁴

II. CONCLUSION

16. Sandlin cannot distinguish its conduct from that prohibited in a long line of Commission decisions and regulations. Sandlin's unlawful conduct has extended to the highest levels of government. On top of that, Sandlin has not been forthcoming about its *ex parte* attempts but instead has falsely claimed that it did not attempt to obtain *ex parte* letters. That statement is just not true, as demonstrated by the Sandlin Memorandum. Therefore, Sandlin has committed actionable misrepresentation and lacked candor in connection with its *ex parte* conduct. As a result, all *ex parte* documents and references to these documents must be purged from the record. Additionally, Sandlin should be charged with a

⁴ Prawn Broadcasting is simultaneously filing this document with the Mass Media Bureau's Enforcement Division.

substantial monetary forfeiture and a hearing should be held to determine if Sandlin is fit to continue to be a Commission licensee.


WHEREFORE, it is respectfully submitted that all *ex parte* letters be stricken from the instant record and that the Reply Comments filed by Sandlin Broadcasting Co., Inc. be purged of all matters that contain such *ex parte* presentations or rely upon them in any substantive manner. It is further requested that Sandlin Broadcasting Co., Inc. be charged with a substantial monetary forfeiture and that in light of its misrepresentation and lack of candor, a hearing be held on its fitness to be a Commission licensee.

May 18, 1999

Law Offices of
Henry E. Crawford, Esq.
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036-4192
(202) 862-4395
E-Mail: hc@HenryCrawfordLaw.com
Web: <http://www.HenryCrawfordLaw.com>

Respectfully Submitted,

Prawn Broadcasting Company

By: 
Henry E. Crawford
Its Attorney

Prawn Broadcasting Company
Reply to Opposition to Motion To Strike
May 18, 1999

EXHIBIT 1



Federal Communications Commission
Washington, D.C. 20554

Control # 99-0183
Case - 99-12

May 7, 1999

Honorable Ron Paul
Member, U.S. House of Representatives
200 West 2nd Street, Suite 210
Freeport, Texas 77541

Attention: Ms. Dianna Gilbert

Re: Prawn Broadcasting Company proposal to reassign
Station KMKS from 102.5 FM in Matagorda County,
Texas to 99.7 FM in Wharton County, Texas; MM
Docket No. 99-13 and RM 9428

Dear Congressman Paul:

Thank you for your letter and facsimile letter, dated April 1, 1999 and April 12, 1999, respectively, concerning the above-referenced proposal. Your letters, which were not served on the parties to this proceeding, were forwarded to the Office of General Counsel for reply in accordance with the Commission's ex parte rules, which are intended to ensure both fairness and the appearance of fairness in Commission proceedings.

The ex parte rules (47 C.F.R. §§ 1.1200-12) require that written communications to Commission decision-making personnel relating to the merits of restricted proceedings be served on all the parties to the proceeding. This includes communications that simply forward to the Commission the views expressed by others on the merits of the restricted proceeding. The above-referenced matter is a restricted proceeding, and it will remain restricted until it is no longer subject to administrative or judicial review.

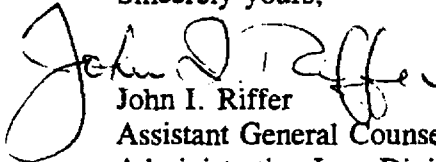
In accordance with the ex parte rules, a copy of this letter and your incoming letters have been sent to the parties to this proceeding. Additionally, copies of the letters have been placed in a public file associated with, but not made part of, the record in this proceeding.

The Honorable Ron Paul

2

The Commission is charged with fully examining the record in all of its proceedings to determine what decision will best serve the public interest, convenience, and necessity. You may be assured that the Commission will give full consideration to all views presented in accordance with the procedures described above.

Sincerely yours,


John I. Riffer
Assistant General Counsel
Administrative Law Division

cc: Margaret Sandlin
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, Texas 77404

Fort Bend Broadcasting Company
P.O. Drawer 948
Houston, Texas 77001

Henry E. Crawford, Esq.
Law Offices
1150 Connecticut Ave., N.W.
Suite 900
Washington, D.C. 20036

RON PAUL
14TH DISTRICT, TEXAS

Congress of the United States
House of Representatives
Washington, DC 20515-4314

April 1, 1999

OGC
Cyparite
~~1832~~
1832

Federal Communications Commission
1919 M St NW Rm 808
Washington, D.C. 20554-0001

Dear Ms. Wilkerson:

Reference: K-102.5 FM

Enclosed please find information from Constituent Margaret Sandlin, owner of K-102.5 FM in Bay City, Texas. Ms. Sandlin has expressed concern about the fact that the enclosed petition does not mention KMKS. KMKS is an integral part of Matagorda County's Emergency Plan. This plan includes emergency notification for situations at the neighboring nuclear power plant, chemical plants and for hurricanes and other natural disasters.

Congressman Paul respectfully requests that the enclosed information be carefully reviewed and that Ms. Sandlin's concerns be addressed.

Thank you in advance for promptly addressing this matter. Please do not hesitate to contact me at 409-230-0000 or by fax at 409-230-0030 with any questions or information concerning KMKS.

Sincerely,

Dianna Gilbert

Dianna Gilbert, Casework Specialist
for Congressman Ron Paul

Enclosures

APR 2 7 17 AM '99



MAR-29-1999 09:35

KMKS FM

4892450107 P.01/11

Texas Hot Country
K-102.5 FM

Date: 3/29/99
FAX TO: Diane Hilbert
Phone: 280-0030
From: Margaret Sanderlin
Message: Original Petition doesn't mention KMKS.
A reply comment from KTXN also enclosed.
Will forward comments & counterproposals
shortly & the overview I have prepared.

This FAX has a total of _____ pages including this page. If you do not receive all pages, please phone us immediately at 1-800-749-1475 or 244-4242. Our FAX number is (409) 245-0107.

Mailing Address
KMKS-FM Radio Station
P.O. Box 789, Bay City, TX 77404-0789
Visit Our Home Page on The World Wide Web
<http://www.kmks.com> e-mail: kmks@kmks.com

Shipping Address:
1627 Seventh Street, Bay City, TX 77414

MAR-29-1999 09:35

KMKS FM

AT 11/11/99

4092450107 P. 02/11

05:61 0001-26-05M

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DEC 10 1998

Henry E. Crawford

ATTORNEY AT LAW

1150 CONNECTICUT AVENUE, N.W.

SUITE 900

WASHINGTON, D.C. 20036-1182

December 10, 1998

BY HAND DELIVERY

Ms. Magalle R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)
Table of Allotments FM Broadcast
Stations
Palacios, Texas
MM Docket No. ; RM No.

RON PAUL
14TH DISTRICT, TEXAS

BANKING AND
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(512) 388-1488

200 WEST 2ND STREET
SUITE 210
FREEPORT, TX 77541
(409) 230-8000
<http://www.house.gov/paul/>

FAX COVERSHEET

TO: Lou Sizemore

FROM: CONGRESSMAN RON PAUL, FREEPORT DISTRICT OFFICE
DIANNA GILBERT, REPRESENTATIVE OF CONGRESSMAN PAUL

DATE: 4-1-99

TIME: _____

NUMBER OF PAGES: 4

COMMENTS: Re KMKS

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (409) 230-0000.

FAX: (409) 230-0030

APR-01-1999 10:15

KMKS FM

4092450107 P.02/04

KMKS - FM
Texas Hot Country K-102.5

Date: March 31, 1999

From: Margaret Sandlin, KMKS Manager

To: Congressman Ron Paul

Reference: Frequency Move

There is Petition before the Federal Communications Commission to move channel 273 from Bay City to El Campo. Please write a letter to the Commission and ask them to reject the Comments and Counter Proposal of Prawn Broadcasting Company filed on March 22, 1999, MM Docket No. 99-13 as this is not in the public interest.

As the owner of KMKS-FM, I have petitioned and was granted CI status on 273 and have plans to build the 100,000 watt station without taking it from its city of license, Bay City and disturbing the emergency services in Matagorda County.

Your help is appreciated.

Margaret K. Sandlin

P.O. Box 789 Bay City, TX 77404-0789 Ph. (409) 244-4242 Fax (409) 245-0107 e-mail: kmks@kmks.com

RON PAUL
16TH DISTRICT, TEXAS

**BANKING AND
FINANCE COMMITTEE**

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(512) 280-1400

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SUITE 210
FAIRPORT, TX 77541
409/71 230-0800

tel:(p) www.houston.gov/mail

04/05/99 MON 12:13 FAX 202 228 4871

KON RON PAUL

--- WEST COLUMBIA

001



Dillon

FR: TOM

April 1, 1999
ER990041

Magalie R. Salas, Secretary
Federal Communications Commission
Portals 11, TW-A323
445 Twelfth Street, S. W.
Washington, D.C. 20554

**RE: Counterproposal of Prawn Broadcasting Company
MM Docket No. 99-13 RM 9428**

Dear Ms. Salas:

I understand a petition has been filed to move the radio licenses of 102.5 FM from Sandlin Broadcasting, Inc. to another party who proposes to move the frequency from Matagorda County, Texas to northwest Wharton County, Texas. This letter is intended to strongly oppose this petition. A change such as this would constitute a long, costly, and laborious process in order to rework the offsite emergency preparedness program for the South Texas Project Electric Generating Station.

Sandlin Broadcasting, Inc. has served our community longer than any other area broadcaster. The owners have worked intensively with the South Texas Project and local emergency management officials from the beginning of the nuclear plant's emergency planning efforts to serve the community surrounding the plant.

The South Texas Project has developed thousands of documents in the form of emergency information brochures, posters, calendar, and recreational area signs for community awareness regarding protection of the public during all kinds of emergencies. In each of these publications, KMKS 102.5 FM is listed as a broadcaster for emergency information and protective actions for the citizens of Matagorda County.

We have also invested substantial time and resources in educating the public through printed materials and through periodic newsletters and town meetings. In publications and meetings, KMKS 102.5 FM is stated as a means of gaining information regarding emergencies. STP also trains 350-500 emergency responders for Matagorda County each year. In these training sessions, KMKS 102.5 FM is specified as the county's primary Emergency Alert System Station. In other words, KMKS 102.5 FM has a great deal of name/frequency recognition for emergency management in our area. Education of the public and local emergency workers is of utmost importance to the South Texas Project, and it is a difficult task under the best of circumstances. It is not something that can happen quickly.

Specially manufactured alert radios have been issued to special facilities, recreational facilities, businesses, and schools in the emergency planning zone of the South Texas Project, and to residences outside siren range, to allow for prompt notification of the public should an event occur. These radios are a major component of the program the plant uses to notify the public. These radios are fixed tuned to KMKS 102.5 FM. The plant's prompt notification system is monitored by the Federal Emergency Management Agency and must at all times maintain FEMA REP-10 approval. Changes to our prompt notification system, like the proposed change to 102.5 FM, can affect this approval and could cause a need for revisions to our FEMA REP 10 approval. This also represents unnecessary work on the part of all parties.



t By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:24;

Page 1/2

RON PAUL
14TH DISTRICT, TEXAS
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appate

1993

CA 11731 2747
1-12-99

FAX COVERSHEET

TO: Mr. Lou Sizemore

FROM: CONGRESSMAN RON PAUL, FREEPORT DISTRICT OFFICE
DIANNA GILBERT, REPRESENTATIVE OF CONGRESSMAN PAUL

DATE: 4-12-99

TIME: _____

NUMBER OF PAGES: _____

COMMENTS: Re: KMK5 #99-13 RM9428

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (409) 230-0000.

FAX: (409) 230-0030

Document: 18847

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:24;

Page 002 of 027

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ID:QUALITY

FAX:512-972-7935

PAGE 2

04/01/1999 09:45

4092483697

JUDGE WESTMORELAND

PAGE 01



MATAGORDA COUNTY

GREG B. WESTMORELAND
COUNTY JUDGE

March 29, 1999

Ms. Megale R. Salas, Secretary
Federal Communications Commission
Portals 11, TW-A111
445 Twelfth Street, N.W.
Washington, DC 20534

Dear Sir:

I would ask your help in denying the petition to move the license of 102.5 FM out of Matagorda County and relocate it in Wharton County.

This station is our primary frequency to turn to in case of an emergency. It is listed as such on all of our Emergency Plans and Publications throughout the County. This move would certainly not be in the best interest of the public.

Thank you,

Greg B. Westmoreland
Matagorda County Judge

GBW/kas

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:25;

Page 1

RON PAUL
14TH DISTRICT, TEXAS

BANKING AND
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SAN MARCOS, TX 76906
(512) 380-1400

200 WEST 2ND STREET
SUITE 210
FREEPORT, TX 77541
(409) 230-0000
<http://power.house.gov/paul/>

FAX COVERSHEET

TO: Mr. Lou Sizemore

FROM: CONGRESSMAN RON PAUL, FREEPORT DISTRICT OFFICE
DIANNA GILBERT, REPRESENTATIVE OF CONGRESSMAN PAUL

DATE: 4-12-99

TIME: _____

NUMBER OF PAGES: _____

COMMENTS: Re: KMK5 #99-13 RM9428

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (409) 230-0000.

FAX: (409) 230-0030

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:14

409 230 0030;
KMKS FM

Apr-12-99 9:25; Page 2
4092458107 P.01/30

City of Bay City

CHARLES MARTINEZ, JR., MAYOR

Bay City, Texas 77414

1901 FIFTH STREET

(409) 245-2137

April 1, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Secretary Salas,

As Mayor of Bay City, Texas, I would like to request that the Commission reject the proposal of Proxm Broadcasting to move FM Channel 102.5 MHz, currently used by KMKS(FM), to El Campo, Texas.

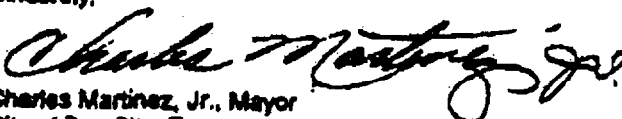
KMKS(FM) has served our community for years, and has been an integral part of ensuring the safety of residents in Bay City and surrounding areas. 102.5MHz is the emergency broadcast frequency known to all local residents, and it would be difficult and expensive to change this. It is not just a matter of tuning to a new frequency for a certain type of music, it is a matter of having the automatic response to tune to 102.5 MHz. This is something that takes time and effort to change. Bay City has coordinated carefully with federal, state, county and private interests to put together a workable Emergency Management Plan for its residents and KMKS(FM)'s channel, 102.5 MHz, is an integral part of this plan.

Also, I am concerned that elderly residents of our area, accustomed to receiving emergency advice on 102.5 MHz, may not be aware of the conversion, and may be put at risk.

For the reasons set forth above, I am in opposition to any change that will move 102.5 MHz from Bay City. It will simply cause many more problems than it resolves, and will impose an unfair burden on Bay City residents. The Commission should reject any such proposal.

Any considerations given to this request, would be greatly appreciated by this office.

Sincerely,


Charles Martinez, Jr., Mayor
City of Bay City, Texas

CMJ/gk



m m Docel 99-13

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 18:14

409 230 0030;

KMKS FM

Apr-12-99 9:26;

Page 3

4092458187 P.02/30

P.O. Box 1820
Bay City, Texas 77404-1820
(409) 245-9109
Hotline: (409) 245-9299
FAX: (409) 245-3428



"Just a phone call away."

P.O. Box 1417
El Campo, Texas 77437
(409) 543-5881
24-HR. Crisis: 1-800-451-8235
FAX: (409) 543-4533

Ms. Magale R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Counterproposal of Prawn Broadcasting Company
MM Docket No. 99-13

Dear Secretary Salas,

As Director of the Crisis Center in the Matagorda County area, I must protest the proposal of Prawn Broadcasting Company to move the FM channel currently operated by KMKS(FM) - 102.5 MHz - to El Campo, Texas.

The Crisis Center provides emergency shelter for hundreds of women and children each seeking safety from family violence and/or sexual assault. KMKS(FM) has provided hours of public service time to our organization to help our communities be aware of these violent acts of crime. That service could not be replaced if the station were to be moved out of the county.

KMKS(FM) and its existing channel have provided an invaluable service to this community, not only in relatively placid times, but also when disaster has struck. The employees of this organization have been trained to seek guidance from 102.5 FM, and have received invaluable assistance. For example, during Hurricane Fran, 102.5 FM was the only station on the air giving emergency instructions.

I am concerned that switching KMKS(FM) to another frequency will cause confusion, and may result in some members of the public not receiving needed guidance in disastrous situations. This is particularly important in our community, which is located very near the Gulf of Mexico (and is therefore subject to inclement weather). I am also aware the local governments have expended a great deal of money and effort to educate the public to seek instructions from 102.5 MHz. It would not make sense for them to tune to a station in El Campo, Texas for advice and to re-educate the public would be expensive and time consuming.

I understand that this is an expense that would have to be borne by the public and would not be reimbursed by Prawn Broadcasting. This is patently unfair to the citizens here. We already have a workable system and a local broadcaster that has proved its mettle in disasters. A change in this formula could have adverse consequences that go beyond the mere expenditure of money and time.

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Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:15

409 230 0030;
KHKS FM

Apr-12-99 9:28;
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Accordingly, I ask that the Commission reject any proposal to move 102.5 MHz away from Bay City, Texas, it will cause significant dislocations and may possibly result in public safety problems.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



Glenda Davenport, Director
Matagorda County Crisis Center